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UNITED STATES DISTRICT COURT

DISTRICT COURT OF NEVADA

DANIEL T. ROBERTS, an individual,

Plaintiff,

v.

AMERICAN FAMILY MUTUAL
INSURANCE COMPANY, a Wisconsin
corporation; and DOES I through X, and
ROE CORPORATIONS I through X,
inclusive,

Defendants

Case No.: 2:17-CV-01836-JAD-NJK

**STIPULATION AND ~~PROPOSED~~
ORDER TO EXTEND DISCOVERY
DEADLINES**

(SECOND REQUEST)

Plaintiff, DANIEL T. ROBERTS (“Plaintiff”) and Defendant AMERICAN FAMILY
MUTUAL INSURANCE COMPANY (“Defendant”), by and through their counsel of record,
hereby **stipulate to the extension of all discovery deadlines by sixty (60) days.**

Pursuant to Local Rule 6-1(B), the parties hereby aver that this is the second discovery
extension requested in this matter and is not sought for the purposes of delay.

DISCOVERY COMPLETED TO DATE

The parties have conducted an FRCP 26(f) conference and have served their respective 26(a) disclosures as well as their initial expert disclosures pursuant to F.R.C.P. 26(a)(2)(B) and 26(a)(2)(C). Plaintiff served his initial 26(a) disclosures on or around August 23, 2017. Defendant served its initial 26(a) disclosures on or around September 13, 2017. Both parties served their respective initial expert disclosures on November 10, 2017 pursuant to a written agreement to extend the deadline by one week. Written discovery has been propounded by both sides and all written discovery has been answered. The deposition of the Plaintiff was taken on January 3, 2017. The deposition of Defense expert Brian Jones was taken on January 5, 2018. Plaintiff's expert Everett Lee Herdon, Jr.'s deposition will have his deposition taken on January 16, 2018, and Defense expert Dr. Rimodi will have his deposition taken on January 24, 2018.

**DISCOVERY TO BE COMPLETED AND REASON FOR EXTENDING
DISCOVERY**

Discovery to be completed includes: depositions of fact witnesses; depositions of Plaintiff's treating physicians, which includes up to six (6) individual providers ; depositions of liability witnesses; 30(b)(6) deposition of American Family Insurance; remaining depositions of expert witnesses and depositions of rebuttal expert witnesses.

Pursuant to Local Rule 6-1, both parties agree that good cause and excusable neglect exist for this second requested extension. Both parties needed an extension for expert disclosures. Defendant disclosed three (3) experts and Plaintiff disclosed two (2) experts. Plaintiff's expert, Dr. William Muir, had his deposition scheduled for December 28, 2017 but had to cancel the deposition due to an illness. Dr. Muir's only availability now is after the current discovery cutoff date. Defense counsel wishes to depose all of Plaintiff's treating providers, which includes six (6) individual providers. These depositions cannot be completed before the current cutoff date. Finally, Christian Morris, lead counsel for Plaintiff, recently gave birth to her first child. Her son currently remains at Sunrise Hospital's prenatal care unit nearly two months after his birth. It has been difficult for the attorneys on this case to coordinate discovery dates that work for one another and it has been very difficult coordinating depositions

of all the treating providers and retained experts on this case. As such, Plaintiff's counsel and Defendant's counsel are in agreement that additional time for discovery is necessary due to the numerous factors discussed.

PROPOSED NEW DISCOVERY DEADLINES

Rebuttal Expert Disclosures

Current: CLOSED

Proposed: CLOSED

Interim Status Report

Current: CLOSED

Proposed: CLOSED

Dispositive Motions

Current: 3/5/18

Proposed: 5/6/18

Pre-Trial Order

Current: 4/4/18

Proposed: 6/5/18

Discovery Cut-Off

Current: 2/1/18

Proposed: 4/2/18

If this extension is granted, all anticipated additional discovery should be completed within its stipulated extended deadlines. The parties agree that this request for extension of discovery deadlines is made by the parties in good faith and not for purposes of delay.

DATED this 10th Day of January, 2018

DATED this 10th Day of January, 2018

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/s/Lloyd Baker

/s/Scott A. Flinders

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IT IS SO ORDERED.


UNITED STATES MAGISTRATE JUDGE

DATED: January 10, 2018

Respectfully Submitted by:

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